



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
www.uspto.gov

Robert E Bushnell and Law Firm  
1522 K Street NW  
Suite 300  
Washington DC 20005-1202

**COPY MAILED**  
**JUN 06 2006**  
**OFFICE OF PETITIONS**

In re Application of: :  
Hong et al. :  
Application No. 09/942,961 : ON PETITION  
Filed: August 31, 2001 :  
Docket No.: P54428RE :  
:

This application has been recently referred to this office due to a petition styled as filed under 37 CFR 1.59 and 1.181 on April 18, 2005. Nevertheless, the delay in treating the petition is regretted.

The petition is **dismissed**, subject to favorable reconsideration as noted in more detail below..

Petitioner seeks relief from an unfortunate remark made by the examiner in the Office communication dated March 30, 2005.

The referenced communication does in fact contain terminology that has no place in the record of this file. Unfortunately, since the instant petition also repeats, verbatim, the contested statement, removal *in toto* or redaction of the contested sentence of the examiner will leave the record in the same unsatisfactory condition. The request in the petition to likewise expunge the petition is unsatisfactory, in that the record would thereafter lack adequate written basis for the requested action.

The USPTO stands ready to favorably reconsider a renewed petition that itself merely identifies the location of, but otherwise does not include, any improper remark, and will thereafter expunge, or more properly in, as here, an IFW file, close the initial examiner's communication and the instant petition.

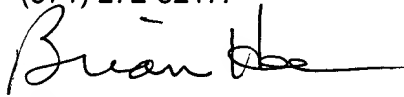
Any forthcoming renewed petition should be addressed as follows:

By mail: Mail Stop PETITIONS  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

By hand: Customer Service Window  
Randolph Building 401 Dulany Street  
Alexandria, VA 22314:

By fax: (703) 872-9306  
ATTN: Office of Petitions

Telephone inquiries related to this communication should be directed to the undersigned at (571) 272-3217.

A handwritten signature in black ink, appearing to read "Brian Hearn", with a long horizontal flourish extending to the right.

Brian Hearn  
Petitions Examiner  
Office of Petitions